

Applicant : Dale A. Flanery et al.
Appln. No. : 10/789,204
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REMARKS

Claims 1-67 are pending in the present application. Reconsideration is respectfully requested for the following reasons.

Claims 1-16, 18-20, 22-34, 36-38, 40-59, 61 and 63-67 have been rejected under 35 U.S.C. §102(e) as being unpatentable over U.S. Patent Application No. US 2004/0146332 to Fu and claims 17, 21, 35, 39, 60 and 62 have been rejected under 35 U.S.C. §103(a) as being unpatentable over the Fu '332 publication in view of U.S. Patent No. 6,742,951 to Schultz et al.

Applicants respectfully traverse the rejection of claims 1-16, 18-20, 22-34, 36-38, 40-59, 61 and 63-67 under 35 U.S.C. §102(e) as being anticipated by the Fu '332 publication and claims 17, 21, 35, 39, 60 and 62 under 35 U.S.C. §103(a) as being unpatentable over the Fu '332 publication in view of the Schultz et al. '951 patent. Applicants submit that Fu '332 publication and the Schultz et al. '951 patent do not disclose every feature recited in these claims. Nevertheless, Applicants have submitted with this Amendment a Declaration under 37 C.F.R. §1.131 to antedate the Fu '332 publication and thereby remove it as a reference. As will be apparent in the Declaration, Applicants actually reduced the invention to practice prior to the filing date of the Fu '332 patent application. While Applicants' acknowledge that conception may not be relevant in the present situation, as an actual reduction to practice occurred before the filing date of the Fu '332 publication, Applicants have submitted such information because the date of the mechanical drawings in Exhibit A of the Declaration clearly antedate the filing date of the Fu '332 publication. In light of the fact that the Fu '332 publication may no longer be considered a reference as to this application, this rejection has been rendered moot.

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Accordingly, Applicants submit that all pending claims 1-67 are in condition for allowance and a Notice of such is therefore earnestly solicited.

Respectfully submitted,

June 27, 2006

Date

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